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EXAMINER

COLAN, GIOVANNA B

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/673,681	Applicant(s) MARMAROS ET AL.	
	Examiner GIOVANNA COLAN	Art Unit 2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-9, 11, 13-14, 17-22, and 60-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-9, 11, 13-14, 17-22, and 60-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is issued in response to the Amendment filed on 02/15/2006.
2. Claims 1 – 5, 8 – 9, 11, 13 – 14, 17 – 19, 21, and 61 – 63 were amended. Claims 7, 10, 12, 15 – 16, and 23 – 59 were canceled. Claim 64 was added.
3. This action is made Final.
4. Claims 1 – 6, 8 – 9, 11, 13 – 14, 17 – 22, and 60 – 64 are pending in this application.

Response to Arguments

5. Applicant's arguments with respect to newly added claim 64 have been considered but are moot in view of the new ground(s) of rejection. The new grounds are with respect to the 112, 2nd rejections.

Claim - 35 USC § 101

6. Regarding claim 22, the claim recites "a computer readable medium that stores instructions executable by at least one processor", which the specification further refers as "processor 220 executing software instructions contained in a computer-readable, such as memory". Since the claim refers computer readable medium and the processor, the examiner interprets computer readable medium as the "memory" recited in the specification. Additionally, the examiner interprets the term "computer readable medium" as excluding transmission media, signals, or any form of energy, such that the

claim clearly falls within a statutory category of invention as required under the terms of 35 U.S.C. 101.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 64 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term “permitting” in claim 64 is indirect, suggest optionally, and passive which renders any recitation claimed after not be given patentable weight. Therefore, it is unclear what Applicant’ intended metes and bounds of the claims are, since the claims appear to cover anything and everything that does not prohibit actions from occurring.

The Examiner points to MPEP 2106 [III-C] wherein the claim’s recitation of “permitting” raises the question to Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation.

Office personnel must rely on the applicant’s disclosure to properly determine the meaning of “permitting” in the claims. Limitations appearing in the specification but not recited in the claim are not read into the claim; therefore, in this case, the recitation of

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“permitting” as interpreted in light of the specification provide the “functionality” or “the capability” of the system to perform the steps without definite disclosure limiting or excluding any alternative, negative, or even all together suggest actually performing or implementing the functionality that is database management system is capable of.

Therefore, any cited art that teaches the steps otherwise in the alternative can be used to reject the instant application. The computer being permitted to perform a function does not mean that it will ever actually perform that functionality (i.e. “permitting” should be clarified and changed to a more definite term).

Appropriate correction is required.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11. Claims 1 –6, 8, 11, 13, 17 – 22, and 60 – 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Awadallah et al. (Awadallah hereinafter) (US Patent App. Pub. 2005/0027699 A1, filed on August 1, 2003) in view of Maddalozzo, Jr. et al. (Maddalozzo hereinafter) (US 6,460,060, filed: January 26, 1999) and further in view of Bode et al. (Bode hereinafter) (US 7,206,778 B2, filed: December 17, 2001).

Regarding Claims 1, Awadallah discloses a method, comprising from a user:

receiving a search query from a user (Fig. 1, item 102 and 152, Page 4, [0041], lines 1 – 2, Awadallah);

receiving first-search results based at least in part on a search performed using the search query (Fig. 1, item 154, Page 4, [0041], lines 2 – 4, Awadallah);

Awadallah further discloses history database storing information regarding documents previously accessed by the user (Page 4 and 5, [0039] and [0051], lines 6 – 15 and 12 – 15, a previous search history; respectively, Awadallah) and performing a search of a database using the search query obtain a second-search results (Page 4, [0041] and [0040], lines 4 – 8 and 1 – 10; candidate search results; respectively, Awadallah). However, Awadallah does not expressly disclose: performing this search to a history database. On the other hand, Maddalozzo discloses: performing a search to a history database using the search query to obtain second-search results, the history database storing information regarding documents previously accessed by the user

(Abstract: “generates a search list from URLs in the browser’s bookmark and/or history files and automatically accesses and searches each URL...”, and Col. 2, lines 37 – 45, Maddalozzo). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the Maddalozzo’s teachings to the system of Awadallah, as suggested by Maddalozzo (Col. 2, lines 11 – 19, Maddalozzo), to provide pertinent list to search previously visited web pages based on specific parameters define by a user, to search at least according to: specified keywords, the last, n number of pages visited and a date specific time frame in conjunction with keyword searches.

Furthermore, the combination of Awadallah in view of Maddalozzo discloses comparing the second- search results to the first-search results to determine whether one of the second-search results is present in the first-search results (Page 5, lines 7 – 13, Awadallah);

adding the one of the second-search results to the first-search results when the one of the second-search results is not present in the first-search results (Page 6, [0065], lines 20 – 28, Awadallah¹).

The combination of Awadallah in view of Maddalozzo also discloses: moving a position of the one of the second-search results within the first search results (Page 4, [0045], lines 1 – 5, ranking, Awadallah). However, the combination of Awadallah in view of Maddalozzo does not explicitly disclose modifying the one of the second-search results within the first-search results when the one of the second-search results is

¹ Wherein the step of combining the listing of search results corresponds to the step of adding the results claimed.

present in the first-search results. On the other hand, Bode discloses: modifying the one of the second-search results by moving a position of the one of the second-search results within the first search results (Col. 8, lines 4 – 10, Col. 9, lines 35 – 44, result ranking engine 415 **combines the search results R1, R2, R3, . . . , RN into a combined result list** returned to the user 420. **The results may be weighted and/or reranked** according to...”, wherein "ranking" and "re-ranking" are well known in the art as the step of arranging , ordering, and/or moving positions in a list; **Bode**) within the first-search results when the one of the second-search results is present in the first-search results (Col. 15, lines 28 – 32, Col. 17, lines 16 – 30; “However, **multiple searches in the search order may return some of the same documents**... In an alternative example, the comparisons to the low and/or high thresholds uses the raw number of returned documents **returned by all searches performed thusfar**. Also, in FIG. 8, at 875, the returned documents exceed the high threshold, and therefore the previous result list is presented to the user (after any combining, ranking, and/or elimination of duplicates). Alternatively, however, **the present result list is presented to the user at 875 (after any combining, ranking, and/or elimination of duplicates)**...”, **Bode**). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Bode’s teachings to the system of the combination of Awadallah in view of Maddalozzo, to differently weight the result of different searches (Col. 8, lines 4 – 11, **Bode**); and to avoid redundancy in the search results.

Furthermore, the combination of Awadallah in view of Maddalozzo and further in view of Bode (Awadallah/Maddalozzo/Bode hereinafter) discloses:

outputting the first-search results with the added second-search result or the modified second-search result (Page 2 and 5, [0020] and [0052], lines 1 – 8 and 13 – 19; respectively, Awadallah; Abstract: “Web pages containing the target keywords are then displayed...”, Maddalozzo; and Col. 15, lines 28 – 32; Bode).

Regarding Claims 2, Awadallah/Maddalozzo/Bode discloses a method, where the receiving first-search results includes:

transmitting the search query to an external search engine (Fig. 1, item 152, Page 4, [0041], lines 1 – 2, Awadallah), the search engine generating the first search results (Fig. 1, item 154, Page 4, [0041], lines 2 – 4, Awadallah),

intercepting the first-search results (Page 4, [0044], lines 5 – 9, Awadallah), and parsing the first-search results to identify information contained in the first-search results (Page 4, [0044], lines 5 – 9, selected from candidate results, Awadallah).

Regarding Claims 3, Awadallah/Maddalozzo/Bode discloses a method, where the performing a search of history database includes:

identifying one or more search terms used in the search query (Fig. 1, item 102 and 152, Page 4, [0041], lines 1 – 2, Awadallah),

using the one or more search terms to search the history database (Page 4, [0041] and [0040], lines 4 – 8 and 1 – 10; candidate search results; respectively, Awadallah; and Abstract: “generates a search list from URLs in the browser’s bookmark

and/or history files and automatically accesses and searches each URL...", and Col. 2, lines 37 – 45, Maddalozzo).

Regarding Claims 4, Awadallah/Maddalozzo/Bode discloses a method, where the one or more search terms are identified from information returned from a search engine (Page 2, [0023], lines 1 – 4, Awadallah).

Regarding Claims 5, Awadallah/Maddalozzo/Bode discloses a method, where the first-search results include links to documents (Page 2, [0020], lines 5 – 8, the links comprise the search results, documents, Awadallah).

Regarding Claims 6, Awadallah/Maddalozzo/Bode discloses a method, further comprising:

ranking the second-search results by at least one of date (Page 3, para. 3, lines 1 –2, by date, Awadallah), relevancy to the search query (Page 3, para. 3, lines 1 –2, by most visited, Awadallah), or a measure of interest in the second-search results by the user (Page 3, para. 3, lines 1 –2, by most visited, Awadallah).

Regarding Claims 8, Awadallah/Maddalozzo/Bode discloses a method, where the adding the top one of the second-search results includes:

placing the top one or more of the second-search results at a prominent position in the first-search results (Page 4, [0045], lines 1 – 5, Awadallah; and Col. 8, lines 4 –

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10, Col. 9, lines 35 – 44, result ranking engine 415 combines the search results R1, R2, R3, . . . , RN into a combined result list returned to the user 420. The results may be weighted and/or reranked according to...”, wherein "ranking" and "re-ranking" are well known in the art as the step of arranging , ordering, and/or moving positions in a list. Wherein “moving”, “arranging”, “ranking”, or “reranking” implies that some positions will be moved towards the top and others towards the bottom of the list of results, Bode).

Regarding Claims 11, Awadallah/Maddalozzo/Bode discloses a method, where the modifying the one of the second-search results includes:

moving a position of the second-search results within the first-search results a predetermined number of positions towards a top of the first-search results (Page 5, [0045], lines 13 – 17 and 7 – 13, ranking, Awadallah; and Col. 8, lines 4 – 10, Col. 9, lines 35 – 44, result ranking engine 415 combines the search results R1, R2, R3, . . . , RN into a combined result list returned to the user 420. The results may be weighted and/or reranked according to...”, wherein "ranking" and "re-ranking" are well known in the art as the step of arranging , ordering, and/or moving positions in a list. Wherein “moving”, “arranging”, “ranking”, or “reranking” implies that some positions will be moved towards the top and others towards the bottom of the list of results, Bode).

Regarding Claims 13, Awadallah/Maddalozzo/Bode discloses a method, where the predetermined number of positions is user-configurable (Page 5, [0052], lines 9 – 13, Awadallah).

Regarding Claims 17, Awadallah/Maddalozzo/Bode discloses method, where the second search results are associated with local documents (Page 2, [0020], lines 5 – 8, Awadallah).

Regarding Claims 18, Awadallah/Maddalozzo/Bode discloses a method, where the local documents include at least one of e-mails, images, application files, audio files, and video files (Page 2, [0020], lines 5 – 8, Awadallah).

Regarding Claims 19, Awadallah/Maddalozzo/Bode discloses a method, where the second-search results are associated with local documents and non-local documents (Fig. 1, item 154, Page 4, [0041], lines 2 – 4, Awadallah).

Regarding Claims 20, Awadallah/Maddalozzo/Bode discloses a device, comprising:

means for obtaining first-search results based at least in part on a search performed on a document corpus using a search query from a user (Fig. 1, item 154, Page 4, [0041], lines 2 – 4, Awadallah);

means for generating second-search results based at least in part on a search performed, using the search query, on information regarding documents previously accessed by the user (Page 4, [0041] and [0040], lines 4 – 8 and 1 – 10; candidate search results; respectively, Awadallah; and Abstract: “generates a search list from

URLs in the browser's bookmark and/or history files and automatically accesses and searches each URL...", and Col. 2, lines 37 – 45, Maddalozzo);

means for determining whether any of the second-search results match the first-search results (Page 5, lines 7 – 13, Awadallah);

means for adding the one or more of the second-search results to the first-search results when none of the second-search results match the first-search results (Page 6, [0065], lines 20 – 28, Awadallah²);

means for modifying one of the first-search results by changing a position of the one of the first-search results within the first-search results when one of the second-search results matches the one of the first-search results (Col. 8 and 15, lines 4 – 14 and 28 – 32; respectively; wherein the step of eliminating duplicates corresponds to the step of "modifying ... when ... is present" as claimed; Bode);

means for outputting the first-search results with the added one or more second-search results or the modified one of the first-search results (Page 2 and 5, [0020] and [0052], lines 1 – 8 and 13 – 19; respectively, Awadallah; Abstract: "Web pages containing the target keywords are then displayed...", Maddalozzo; and Col. 15, lines 28 – 32; Bode).

Regarding Claims 21, Awadallah/Maddalozzo/Bode discloses a system, comprising:

² Wherein the step of combining the listing of search results corresponds to the step of adding the results claimed.

a history database configured to store information regarding document previously accessed by a user (Page 4 and 5, [0039] and [0051], lines 6 – 15 and 12 – 15, a previous search history; respectively, Awadallah; and Abstract: “generates a search list from URLs in the browser’s bookmark and/or history files and automatically accesses and searches each URL...”, and Col. 2, lines 37 – 45, Maddalozzo); and a browser assistant (Page 4, [0040], lines 1 – 2, browser, Awadallah) configured to:

obtain first-search results based at least in part on a search performed on a document corpus using a search query (Fig. 1, item 154, Page 4, [0041], lines 2 – 4, Awadallah),

obtain second-search results based at least in part on a search performed on the history database using the search query (Page 4, [0041] and [0040], lines 4 – 8 and 1 – 10; candidate search results; respectively, Awadallah; and Abstract: “generates a search list from URLs in the browser’s bookmark and/or history files and automatically accesses and searches each URL...”, and Col. 2, lines 37 – 45, Maddalozzo),

determine whether any of the second-search results is included the first-search results (Page 5, lines 7 – 13, Awadallah);

add the one or more of the second-search results to the first-search results when one of the second-search results is not included within the first-search results (Page 6, [0065], lines 20 – 28, Awadallah³);

modify one of the first-search results that corresponds to the one of the second-search results by moving the one of the first-search results a particular number of

positions toward a top of the first-search results (Page 4, [0045], lines 1 – 5, ranking, Awadallah; and Col. 8, lines 4 – 10, Col. 9, lines 35 – 44, result ranking engine 415 **combines the search results R1, R2, R3, . . . , RN into a combined result list** returned to the user 420. **The results may be weighted and/or reranked** according to...”, wherein “ranking” and “re-ranking” are well known in the art as the step of arranging , ordering, and/or moving positions in a list; Bode) when the one of the second-search results is included within the first-search results (Col. 15, lines 28 – 32, Col. 17, lines 16 – 30; “However, **multiple searches in the search order may return some of the same documents**... In an alternative example, the comparisons to the low and/or high thresholds uses the raw number of returned documents **returned by all searches performed thusfar**. Also, in FIG. 8, at 875, the returned documents exceed the high threshold, and therefore the previous result list is presented to the user (after any combining, ranking, and/or elimination of duplicates). Alternatively, however, **the present result list is presented to the user at 875 (after any combining, ranking, and/or elimination of duplicates)**...”, Bode); and

present either the first-search results with the added one or more second-search results or the modified one of the first-search results to the user (Page 2 and 5, [0020] and [0052], lines 1 – 8 and 13 – 19; respectively, Awadallah; Abstract: “Web pages containing the target keywords are then displayed...”, Maddalozzo; and Col. 15, lines 28 – 32; Bode).

³ Wherein the step of combining the listing of search results corresponds to the step of adding the results

Regarding Claims 22, Awadallah/Maddalozzo/Bode discloses a computer-readable medium that stores instructions executable by at least one processor to perform a method for providing search results, the computer-readable medium comprising:

instructions for obtaining a search query (Fig. 1, item 152, Page 4, [0041], lines 1 – 2, Awadallah);

instructions for obtaining first-search results based at least in part on an Internet search performed using the search query (Fig. 1, item 154, Page 4, [0036] and [0041], lines 2 – 4, Awadallah);

instructions for performing a search to a history database using the search query to obtain second-search results, the history database storing information regarding documents previously accessed by the user (Page 4, [0041] and [0040], lines 4 – 8 and 1 – 10; candidate search results; respectively, Awadallah; and Abstract: “generates a search list from URLs in the browser’s bookmark and/or history files and automatically accesses and searches each URL...”, and Col. 2, lines 37 – 45, Maddalozzo);

instructions for comparing the second- search results to the first-search results to determine whether one of the second-search results is included within the first-search results (Page 5, lines 7 – 13, Awadallah);

instructions for adding the one of the second-search results to the first-search results when one of the second-search results is not included within the first-search results (Page 6, [0065], lines 20 – 28, Awadallah⁴);

instructions for modifying one of the first-search results that corresponds to the one of the second-search results by changing a position of the one of the first-search results within the first-search results when the one of the second-search results is present within the first-search results (Col. 8 and 15, lines 4 – 14 and 28 – 32; respectively; wherein the step of eliminating duplicates corresponds to the step of “modifying ... when ... is present” as claimed; Bode); and

instructions for presenting the first-search results with the added one of the second-search results or the first-search results with the modified one of the first-search results (Page 2 and 5, [0020] and [0052], lines 1 – 8 and 13 – 19; respectively, Awadallah; Abstract: “Web pages containing the target keywords are then displayed...”, Maddalozzo; and Col. 15, lines 28 – 32; Bode).

Regarding Claims 60, Awadallah/Maddalozzo/Bode discloses a method, further comprising:

obtaining one or more advertisements relating to the search query (Page 2 and 5, [0020] and [0046], lines 14 – 18 and 1 – 4; respectively, “a search results page may contain advertisements that were generated in response to a query”, Awadallah); and

⁴ Wherein the step of combining the listing of search results corresponds to the step of adding the results claimed.

presenting the first-search results with the added second-search result or the modified second-search result (Page 2, [0020], lines 1 – 18, links displayable on a webpage, Awadallah), and the one or more advertisements (Page 5, [0046], lines 1 – 4, Awadallah).

Regarding Claims 61, Awadallah/Maddalozzo/Bode discloses a method, where the obtaining one or more advertisements includes:

sending the search query to an external server (Page 4, [0040], lines 5 – 10, Awadallah), and

obtaining, from the external server, the one or more advertisements that relate to the search query (Page 5, [0046], lines 1 – 7, Awadallah).

Regarding Claims 62, Awadallah/Maddalozzo/Bode discloses a method, where the performing the search of the history database includes:

performing a local search using the search query without transmitting the search query on a network (Fig. 1, item 154, Page 4, [0041], lines 2 – 4, Awadallah).

Regarding Claims 63, Awadallah/Maddalozzo/Bode discloses a method, where receiving the first-search results includes:

transmitting the search query on a network to an external search engine (Fig. 1, item 102 and 152, Page 4, [0041], lines 1 – 2, Awadallah), and

receiving the first-search results from the external search engine (Fig. 1, item 154, Page 4, [0036] and [0041], lines 2 – 4, Awadallah); and

wherein performing the search of the history database includes:

performing a local search of the history database without transmitting the search query on the network to obtain the second-search results (Page 4, [0041] and [0040], lines 4 – 8 and 1 – 10; candidate search results; respectively, Awadallah; and Abstract: “generates a search list from URLs in the browser’s bookmark and/or history files and automatically accesses and searches each URL...”, and Col. 2, lines 37 – 45, Maddalozzo).

Regarding Claim 64, Awadallah/Maddalozzo/Bode discloses a method, further comprising:

permitting the user to turn off modifying of the one of the second-search results within the first-search results (Col. 10, lines 20 – 23, Bode).

12. Claims 9, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Awadallah et al. (Awadallah hereinafter) (US Patent App. Pub. 2005/0027699 A1, filed on August 1, 2003), in view of Maddalozzo, Jr. et al. (Maddalozzo hereinafter) (US 6,460,060, filed: January 26, 1999), in view of Bode et al. (Bode hereinafter) (US 7,206,778 B2, filed: December 17, 2001), and further in view of Carolan et al. (Caronal hereinafter) (US 2004/0133440 A1, filed August 22, 2003).

Regarding Claims 9, Awadallah/Maddalozzo/Bode discloses all the limitations as discussed above including the one of the second-search results at the prominent position in the first-search results (Page 4, [0045], lines 1 – 5, Awadallah). However, Awadallah/Maddalozzo/Bode does not explicitly disclose highlighting. On the other hand, Carolan discloses the feature of highlighting the results (Page 20, [0260], Carolan). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the Carolan's teachings to the system of Awadallah/Maddalozzo/Bode. Skilled artisan would have been motivated to do so, as suggested by Carolan (Page 20, [0260], Carolan), to facilitate browsing of the listings by the user.

Regarding Claims 14, the combination of Awadallah in view Maddalozzo in view of Bode and further in view Carolan (Awadallah/Maddalozzo/Bode/Carolan hereinafter) discloses a method, where the modifying the first one of the second-search results further includes:

highlighting the one of the second-search results within the first-search results (Page 4, [0045], lines 1 – 5, Awadallah; and Page 20, [0260], Carolan).

Response to Arguments

13. Applicant argues that the applied art fails to disclose; “modifying one of the second-search results within first-search results by moving a position of the one of the second-search results within the first-search results when the one of the second-search results is present in the first-search results”.

Examiner respectfully disagrees. Awadallah/Maddalozzo/Bode does disclose: “modifying one of the second-search results within first-search results by moving a position of the one of the second-search results within the first-search results when the one of the second-search results is present in the first-search results (See rejection of claim 1 discussed in this Office Action above).

14. Applicant argues that; “The Examiner did not provide any motivation for combining the alleged disclosure of Bode et al. of moving a position of a second-search result within first-search results into the combined Awadallah et al. and Maddalozzo, Jr. et al. system...”.

Examiner respectfully disagrees. The Examiner did provide a motivation for such combination. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Bode’s teachings to the system of the combination of Awadallah in view of Maddalozzo, to differently weight the result of different searches (Col. 8, lines 4 – 11, Bode); and to avoid redundancy in the search results.

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Points Of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GIOVANNA COLAN whose telephone number is (571)272-2752. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Giovanna Colan
Examiner
Art Unit 2162
June 20, 2008

/Jean M Corrielus/
Primary Examiner, Art Unit 2162